

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890

Action ID No. 200000362

February 20, 2004

PUBLIC NOTICE

On January 15, 2004, a notice was issued disclosing the Town of Emerald Isle, c/o: Mr. Frank Rush- Town Manager, 7500 Emerald Isle Drive, Emerald Isle, NC request for a permit modification to our October 26, 2001 Department of the Army authorization and our October 22, 2002 issued modification to perform beach nourishment along 5.8 miles of Emerald Isle beach. The Town's application for a Department of the Army (DA) Permit Modification is to DREDGE AND DISCHARGE APPROXIMATELY 160,000 CUBIC YARDS OF MATERIAL INTO SECTION 10 NAVIGABLE WATERS AND SECTION 404 WATERS TO RENOURISH APPROXIMATELY 12,500 LINEAR FEET OF BEACH THAT ERODED DURING HURRICANE ISABEL, in Emerald Isle, Carteret County, North Carolina. The purpose of this additional notice is to notify the public of the Town's recent request to utilize the option to dredge material from an approximate 3.0-mile offshore disposal site, known as the Offshore Dredging Material Disposal Site (ODMDS).

Renourishment plans for the project, as described in the January 15, 2004 Public Notice, remain the same in regards to the amount and location of sediment material to be placed on the beach. In the Town's evaluation of an additional alternative, Emerald Isle is seeking authorization to use the ODMDS site as a potential sediment source for this renourishment proposal. The Corps has used this ocean disposal site when dredging the Federally maintained Morehead City Outer Harbor, which includes Beaufort Inlet channel to the ocean, since mid to late 1980's. The U.S. Environmental Protection Agency (EPA) has approved the site for ocean disposal, and has determined that the material is suitable for ocean disposal pursuant to the Marine Protection Research and Sanctuaries Act. Sediment characteristics of the material within this disposal area contain a mean grain size of 2.31 phi, visual calcium carbonate or shell content of 7.1 percent, and a mud or silt percentage of 3.9 percent. Native beach sediment of Emerald Isle has a mean grain size of 2.3 phi, visual shell content of 6.3 percent, and a mud or silt percentage of 2.6 percent. It should be noted that a Corps contractor is currently dredging the Morehead City Outer Harbor channel and placing the material on stretches of Indian Beach and Salter Path. This is the same type material that would otherwise be disposed of in the ODMDS.

As stated in the previous notice, the applicant's stated purpose is to restore approximately 152,000 cubic yards of last year's nourished shoreline that has been damaged by Hurricane Isabel. To protect and maintain the largest portion of the Town's overall economy and tax base, Emerald Isle has applied for and received monies through an established Federal Emergency Management Agency (FEMA) program for post-storm restoration that authorized renourishment to approximately 128,000 cubic yards along 31,111 linear feet of shoreline.

The applicant has determined that the proposed work is consistent with the North Carolina Coastal Zone Management Plan and has submitted this determination to the North Carolina Division of Coastal Management (NCDCM) for their review and concurrence. This proposal shall be reviewed for the applicability of other actions by North Carolina agencies such as:

- a. The issuance of a Water Quality Certification under Section 401 of the Clean Water Act by the North Carolina Division of Water Quality (NCDWQ).
- b. The issuance of a permit to dredge and/or fill under North Carolina General Statute 113-229 by the North Carolina Division of Coastal Management (NCDCM).
- c. The issuance of a permit under the North Carolina Coastal Area Management Act (CAMA) by the North Carolina Division of Coastal Management (NCDCM) or their delegates.
- d. The issuance of an easement to fill or otherwise occupy State-owned submerged land under North Carolina General Statute 143-341(4), 146-6, 146-11, and 146-12 by the North Carolina Department of Administration (NCDA) and the North Carolina Council of State.
- e. The approval of an Erosion and Sedimentation Control Plan by the Land Quality Section, North Carolina Division of Land Resources (NCDLR), pursuant to the State Sedimentation Pollution Control Act of 1973 (NC G.S. 113 A-50-66).

This notice reinitiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The District Engineer's initial determination is that the proposed project may impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service (NMFS). The District Engineer will consult with the NMFS to comply with EFH requirements.

The District Engineer, based on available information, has determined that the proposed activity may affect seabeach amaranth and nesting sea turtle species designated as endangered or threatened pursuant to the Endangered Species Act of 1973 under purview of U.S. Fish and Wildlife Service. In regards to these species, the applicant proposes to continue their monitoring plan as outlined in the October 15, 2001 letter, which is included in our October 26, 2001 permit. For endangered and threatened sea turtles, in the water column, under purview of the National Marine Fisheries Service Protective Resource Division (NMFS PRD), the applicant is committed to implement the December 20, 2001 procedures to provide additional protection against any incidental takings of sea turtles during dredging. The NMFS PRD has been contacted and their office has concurred that no further consultation is required provided the applicant follows the 1997 Regional Biological Opinion for endangered and threatened species under their purview.

The requested Department of the Army (DA) permit will be denied if any required State or local authorization and/or certification is denied. No DA permit will be issued until a State coordinated viewpoint is received and reviewed by this agency. Recipients of this notice are encouraged to furnish comments on factors of concern represented by the above agencies directly to the respective agency, with a copy furnished to the Corps of Engineers.

This application is being considered pursuant to Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in the notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore decided by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects of it. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (according to Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized would not comply with the Environmental Protection Agencies' 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

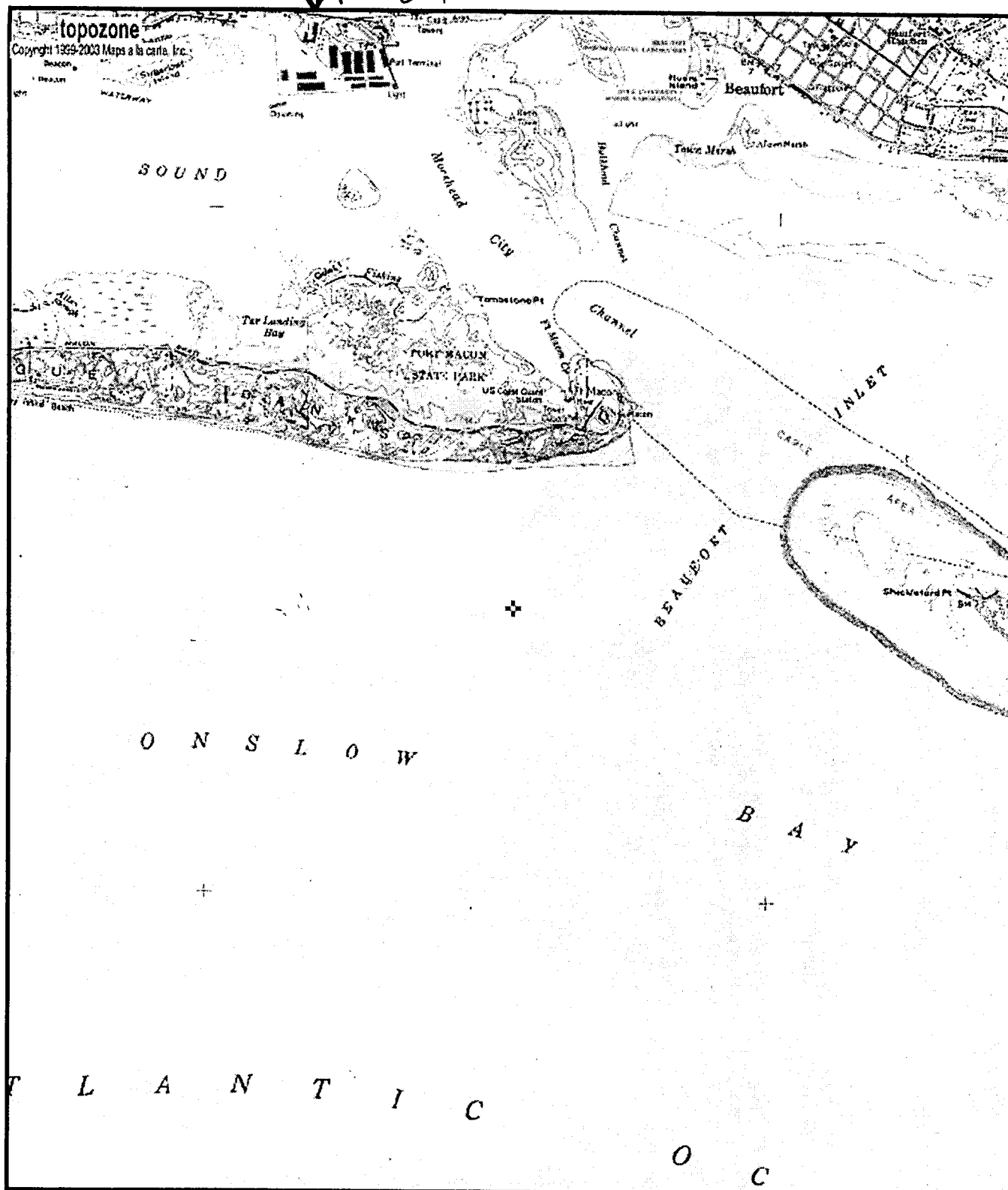
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to decide whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the Environmental Operations Section, North Carolina Division of Water Quality (NCDWQ), Salisbury Street, Archdale Building, Raleigh, North Carolina. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1621 Mail Service Center, Raleigh, North Carolina 27699-1621, on or before February 6, 2004, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mickey T. Sugg, until 4:15 p.m., March 5, 2004, or telephone (910) 251-4811.

morehead City Port



0 0.7 1.4 2.1 2.8 3.5 km
0 0.5 1 1.5 2 2.5 mi

Map center is UTM 18 345596E 3839371N (WGS84/NAD83)

Beaufort quadrangle

Projection is UTM Zone 18 NAD83 Datum



M=-9.871
G=-0.959

